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<b>AMENDMENT TRANSMITTAL LETTER</b>			Docket No. SPINE 3.0-437 CIPCIPCIPCIPCIPCON II
Application No. 10/784,637-Conf. #8185	Filing Date February 23, 2004	Examiner B. E. Pellegrino	Art Unit 3738

Applicant(s): Joseph P. Errico, Michael W. Dudasik, and Rafail Zubok

Invention: INSTRUMENTATION FOR PROPERLY SEATING AN ARTIFICIAL DISC IN AN INTERVERTEBRAL SPACE


**TO THE COMMISSIONER FOR PATENTS**

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	20	- 20 =	0	x 52.00	0.00
Independent Claims	2	- 3 =	0	x 220.00	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>					0.00

- ☒ Large Entity ☐ Small Entity
- ☒ No additional fee is required for this amendment.
- ☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 12-1095 as described below. A duplicate copy of this sheet is enclosed.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.

  
William A. Di Bianca  
Attorney/Agent Reg. No.: 58,653

Dated: January 22, 2009

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP  
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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Signature:  (William A. Di Bianca)

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Dated: January 22, 2009 Signature: \_\_\_\_\_

(William A. Di Bianca)



Docket No.: SPINE 3.0-437 CIPCIPCIPCIPCIPCON II  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Errico et al.

Application No.: 10/784,637

Filed: February 23, 2004

For: INSTRUMENTATION FOR PROPERLY  
SEATING AN ARTIFICIAL DISC IN AN  
INTERVERTEBRAL SPACE

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: Group Art Unit: 3738  
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: Examiner: B. E.  
Pellegrino  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT**

Dear Sir:

In response to the Office Action mailed September 23, 2008, Applicants submit the following amendments and remarks.